

Exhibit A

Re: Daryl Fallas v. Cavalry SPV I, LLC / Schachter Portnoy, LLC

Docket No.: L-1632-12

**OBJECTION TO DEFENDANT'S REMOVAL OF CIVIL ACTION FROM
STATE COURT TO FEDERAL COURT; REQUEST FOR ENTRY OF DEFAULT
JUDGMENT; AND REQUEST TO FORWARD COMPLAINT TO CRIMINAL
DIVISION FOR FURTHER ACTION AGAINST DEFENDANTS AND
INVESTIGATION OF DEFENDANTS INDIVIDUALLY AND COLLECTIVELY
FOR COLLUSION TO COMMIT FRAUD, INTENTIONAL FRAUD,
INTERSTATE FRAUD, MAIL FRAUD, WIRE FRAUD, ETC., IMMEDIATELY
AFTER ENTRY OF DEFAULT**

Brief in Support of Objection to Defendant's Removal of Civil Action from State Court

1. Pursuant to 28 U.S.C. 1446(b), the pleading on removing parties must be made within 30 days after service. Service was made on July 25, 2012 (attached as exhibit A). Defendant's action to remove took place on September 12, 2012; well beyond the 30 days allowed. Defendants missed their opportunity.
2. The moment Defendant Cavalry, SPV I, LLC obtained the services of Defendant Schachter Portnoy, LLC, a New Jersey law firm, this matter and their actions came within the jurisdiction of the New Jersey Courts and subject to New Jersey laws, including that of the New Jersey Fair Debt Collection Practices Act
3. New Jersey's Fair Debt Collection Practices Act is similar to the Federal Fair Debt Collection Practices Act, except that it also allows for punitive damages, recognizing the adverse reactions unfair and/or fraudulent attempts at collection can have on individuals and their families; such as divorce, bankruptcy, suicide, loss of work due to false claims on individual's credit reports, embarrassment within the community, being forced to file for food stamps and Medicaid, etc. Their action is a cause of my being indigent because of their falsely reporting a debt owed them to the credit reporting agencies (attached as exhibit B). In allowing this complaint to be transferred to the Federal Court, I would be losing my ability, and right, to claim punitive damages; in effect, allowing the Defendant to get away with the seriousness and consequences of their actions with merely a slap on the wrist in comparison to this New Jersey Court's capability of serving just punishment to them for their egregious actions against me by awarding me punitive damages.
4. Handling this matter in Federal Court would be well beyond my capabilities. As an indigent pro se, I would require the assignment of counsel as per the LSC ACT of 1974.

Brief in Support of Request to Enter Default Judgment

1. Defendants failed to file an Answer to the Summons and Complaint within 35 days of being served on July 25, 2012.

2. The evidence against Defendants is clear. The remedies allowed for violations under the New Jersey Fair Debt Collections Practices Act are statutory: \$1,000.00 per violation plus punitive damages.

3. Evidence submitted in my Complaint shows Defendant(s) contacted me twice after receiving notice from me to cease and desist all communication in collection of the alleged debt. Defendant(s) failed to remove the false reporting from the Credit Reporting Agencies. Defendant(s) failed to provide me with proof of the alleged debt. That's four violations of the Fair Debt Collection Practices Act. At \$1,000.00 per violation, that's \$4,000.00. Since there are two Defendants, each responsible for compliance with the New Jersey Fair Debt Collection Practices Act, and since each is responsible for the four violations of said Act, each is subject to \$4,000.00 in violations; for a total of \$8,000.00. In addition to the compensation from violations of the Act, I'm entitled to punitive damages for the damages caused me over the last several years (and continuing) for the false-reporting of this alleged debt on my credit reports. I asked for \$100,000.00 in my complaint if it lead to a Default Judgment. That's \$100,000.00 for each Defendant for a total of \$200,000.00. Since this is based on fraudulent act and violation of the Consumer Fraud Act, I'm entitled to automatic treble damages which amounts to \$312,000.00 for each Defendant or a total of \$624,000.00 for both. Should it be necessary to collect on said judgment, and since Defendant Schachter Portnoy, LLC is the attorney handling the collections on behalf of Defendant Cavalry SPV I, LLC, and since Defendant Schachter Portnoy, LLC is the only Defendant located in New Jersey, I ask that the Court allow the sheriff or court officer to collect the entire \$624,000.00 (or other amount as this Honorable Court deems appropriate) from Defendant Schachter Portnoy, LLC.

Brief in Support of Request to Forward this Complaint to the Criminal Division
Immediately After Entry of Default

1. It stands to reason, since Defendants targeted me in their fraudulent attempts to have me pay on a debt I do not owe them, they have also targeted and are getting money from other victims that assume they have a legitimate claim against them. Additionally, it stands to reason they are currently targeting other potential victims and will target numerous victims in the future. Their victims or intended victims may be in the tens or hundreds of thousands; even millions.

2. It also stands to reason, that Defendant Cavalry SPV I, LLC's income is derived from similar fraudulent collection practices. Cavalry SPV I, LLC is only one of a

number of companies within the Cavalry business. According to their web site, there is Cavalry Investments, LLC, Cavalry Portfolio Services, LLC, Cavalry SPV I, LLC and Cavalry SPV II, LLC. All are involved in either the accumulation of and/or the collection on accounts that they claim they own and which they claim they are owed monies on. I believe it's in the interest of the public at large to investigate the truth of their claims.

3. Based in Arizona and New York, the Cavalry companies enlist collection attorneys within the states of their intended victims, such as they did with Schachter Portnoy, LLC in their victimizing me, to act as their tentacles in order to intimidate their targeted victims into paying them a debt they're not owed from fear of getting a collection letter from a law firm within their state and not wanting to get sued. It's a numbers game with them. Out of every ten thousand letters they send, a certain percentage of people will fall in line and pay. Those who don't will suffer continued harassment until they do, or, will receive a letter from a local attorney to add intimidation to the equation.

4. Upon service of my Summons and Complaint upon the Defendants, they were afforded an opportunity to file a counterclaim against me for the amount they claimed I owed them in their letters of collection. In stead of filing a counterclaim against me, they each went separately and engaged the services of attorneys to defend them. Even the Defendant Schachter Portnoy, LLC, who is an attorney at law, engaged the services of another law firm to defend them. That action alone speaks volumes as to their presumptive guilt in their collusion with their fellow Defendant in intent to defraud.

5. By not filing an Answer in this Court, Defendants prevent me from obtaining discovery. By preventing me from obtaining discovery, Defendants protect themselves from the potential of my proving the extent of their intentional fraud. The criminal prosecutor will have the power and resources to subpoena their files in their investigation into the depth of the fraud perpetrated and to see just how far reaching this problem is. I will leave it to the prosecutor's good judgment to decide whether or not to involve the Federal Prosecutor in this matter; to subpoena Cavalry's files in all of their related businesses in New York, Arizona and wherever else they maintain offices. I'm willing to work with the prosecution and supply additional evidence to provide just cause.

Proposed forms of Order are attached.

I certify that the foregoing statements made by me are true to the best of my knowledge. I am aware that if any of the foregoing statements made by me are intentionally false, I am subject to punishment.

Dated: 9-18-12

Signed: _____


Daryl Fallas

c: Maurice & Needleman, P.C / Attorney for Defendant Cavalry SPV I, LLC
c: Rivkin Radler, LLP / Attorney for Defendant Schachter Portnoy, LLC

EXHIBIT “A”



JOHN A. KEMLER
SHERIFF

Office of the Sheriff Sheriff's Return Of Service



MERCER COUNTY CIVIL COURT HOUSE
175 SOUTH BROAD STREET
P.O. Box 8068
TRENTON, NEW JERSEY 08650-0068
TELEPHONE: (609) 989-6100
FAX: (609) 278-8041

UNDERSHERIFFS
JAMES P. TAYLOR
DONALD E. ELLISON
PEDRO MEDINA

ASSISTANT TO THE SHERIFF
CATHLEEN G. GARTON

CHIEF SHERIFF'S OFFICER
RICHARD S. PIOTROWSKI

CHIEF WARRANT OFFICER
BRIAN D. AMANTIA

PLAINTIFF DARYL FALLAS

DOCKET # L-1632-12

DEFENDANT CAVALRY SPV I LLC

I SERVED THE FOLLOWING PAPERS: SUMMONS & COMPLAINT ON THE WITHIN-NAMED
DEFENDANT IN MERCER COUNTY, NEW JERSEY

SERVICE NAME	SERVED	NOT-SERVED	DATE	TIME	ADDRESS	SERVICE INFO
SCHACHTER PORTNOY	C		7/25/12	1055	3490 ROUTE 1 PRINCETON, NJ 08540	Darrin Portnoy atty

STATE OF NEW JERSEY
COUNTY OF MERCER

I, JOHN A. KEMLER, SHERIFF
of said County do hereby
deputize and appoint

to be my deputy, to execute and
return the writ according to law.

Witness my hand and seal this 25
day of July A.D. 2012.

- * Type of Service
- A Personal Service
- B Household member over the age of 14 years, at usual place of abode
- ☒ C Served person authorized to accept service/Managing agent
- D Unable to locate, unknown at address given
- E Address Out of County
- F Avoiding service, made many attempts
- G Affixed
- H Certified Mail
- I Other

JOHN A. KEMLER
Sheriff (L.S.)

Sheriff's Fee \$24.00

JOHN A. KEMLER, SHERIFF, by

[Signature]
Special Deputy

EXHIBIT “B”

AnnualCreditReport.com > Return to AnnualCreditReport.com > Frequently Asked Questions > Contact AnnualCreditReport.com



Logout

Report
Summary

Potentially
Negative
Items

Accounts in
Good
Standing

Requests for
Your Credit
History

Personal
Information

Your
Personal
Statement

Get Credit
Monitor

Get Credit
Score

Are you at risk for
**IDENTITY
THEFT?**

Low-Risk

Help reduce your risk
with **ProtectID™**
from Experian

Get Protected

with enrollment in PMD

Experian

Potentially Negative Items or Items for Further Review

- What does potentially negative or items for further review mean?
- What if I think listed accounts are duplicates?

- What if I feel there is an error?

Experian credit report prepared for
DARYL FALLAS

Your report number is
0183-2521-49

Report date: **February 14, 2012**

Credit Report Toolkit:
[Print your report](#)
[Credit Education](#)
[Know your rights](#)
[Credit Fraud Center](#)

Item Detail

[Dispute this item](#)

CAVALRY PORTFOLIO SERVICE

Address:
PO BOX 27288
TEMPE, AZ 85285
(800) 501-0909

Account Number:
13350207

Original Creditor:
MBNA

Address Identification Number: 0013295083

Status:

Collection account. \$4,518 past due as of Jan 2012.

Status Details:

This account is scheduled to continue on record until Feb 2013.
This item was updated from our processing of your dispute in Mar 2010.

Get the Score!
Add your
Credit Score
for only \$7.95

Get Protected

Date Opened:
10/2008

Date of Status:
11/2008

Reported Since:
11/2008

Last Reported Date:
01/2012

Type:
Collection

Terms:
1 Months

Monthly Payment:
\$0

Responsibility:
Individual

Credit Limit:
\$5,143

High Balance:
N/A

Recent Balance:
\$4,518

Recent Payment:
\$0

Payment history legend

OK Current/Terms of agreement met	VS Voluntarily surrendered
30 Account 30 days past due	R Repossession
60 Account 60 days past due	PBC Paid by creditor

to view during this session with **Equifax**. If you would like to view this credit report online free for 30 days, [click here](#).

Collections

A collection is an account that has been turned over to a collection agency by one of your creditors because they believe the account has not been paid as agreed.

CAVALRY PORTFOLIO SERVICES

Agency Address: 500 SUMMIT LAKE DRIVE
VALHALLA, NY 10595
(800) 501-0909

Date Reported: 01/2012

Date Assigned: 10/2008

Creditor Classification: Banking

Creditor Name: MBNA

Accounts Number: 1335XXXX

Account Owner: Individual Account.

Original Amount Owned: \$5,143

Date of 1 st Delinquency: 05/2006

Balance Date: 01/2012

Balance Owned: \$4,518

Last Payment Date : N/A

Status Date: 01/2012

Status: D - Unpaid

Comments: Consumer disputes this account information

Skip advertisement - This advertisement may lead to a page that is not screen readable.

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FORM C

**SUPERIOR COURT OF NEW JERSEY
LAW DIVISION**

Daryl Fallas

Your Name

Mercer County

77 Parker Avenue

Street Address

Docket Number L-1632-12

Deal, NJ 07723

Town, State, Zip Code

(732) 539-9025

Telephone Number

Daryl Fallas

Plaintiff

vs.

Cavalry SPV I, LLC / Schachter Portnoy, LLC

Defendant

**CIVIL ACTION
Order**

This matter having been brought before the Court on Motion of (check one)
☒ plaintiff ☐ defendant for an Order (describe relief requested)

Rescind Removal of Civil Action From State Court

and the Court having considered the matter and for good cause appearing,

It is on this _____ day of _____, 20
ORDERED as follows:

_____, J.S.C.

☐ opposed

☐ unopposed

FORM C

SUPERIOR COURT OF NEW JERSEY
LAW DIVISION

Daryl Fallas

Your Name

Mercer County

77 Parker Avenue

Street Address

Docket Number L-1632-12

Deal, NJ 07723

Town, State, Zip Code

(732) 539-9025

Telephone Number

Daryl Fallas

Plaintiff

CIVIL ACTION
Order

vs.

Cavalry SPV I, LLC / Schachter Portnoy, LLC

Defendant

This matter having been brought before the Court on Motion of (check one)
☒ plaintiff ☐ defendant for an Order (describe relief requested)

Enter Default Judgment in the amount of \$624,000.00 to be collected from Schachter Portnoy, LLC

and the Court having considered the matter and for good cause appearing,

It is on this _____ day of _____, 20
 ORDERED as follows:

_____, J.S.C.

☐ opposed

☐ unopposed

FORM C

SUPERIOR COURT OF NEW JERSEY
LAW DIVISIONDaryl Fallas

Your Name

77 Parker Avenue

Street Address

Deal, NJ 07723

Town, State, Zip Code

(732) 539-9025

Telephone Number

Daryl Fallas

Plaintiff

vs.

Cavalry SPV I, LLC / Schachter Portnoy, LLC

Defendant

Mercer CountyDocket Number L-1632-12CIVIL ACTION
Order

This matter having been brought before the Court on Motion of (check one)
☒ plaintiff ☐ defendant for an Order (describe relief requested)

Forward this Complaint to the Criminal Division Prosecutor for further action.

and the Court having considered the matter and for good cause appearing,

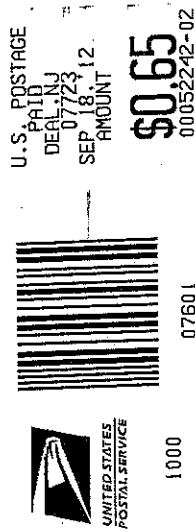
It is on this _____ day of _____, 20____
 ORDERED as follows:

_____, J.S.C.

☐ opposed

☐ unopposed

ONE FALLS
77 PARKWAY
DEAL, NJ 07603



RINKIN RADLER, LLP
21 MAIN STREET
COURT PLAZA SOUTH
WEST WING, SUITE 158
MACKENSAK, NJ 07601-7021

07601\$9004

